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5
6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9 **FRESNO BRANCH**

10 JOSEPH NOTARO,

11 Plaintiff,

12 vs.

13 KILOLO KAJIKAZI,
14 Acting Commissioner of Social Security,

16 Defendant

17 Case No.: 1:22-cv-00745-SKO

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19 **STIPULATION AND UNOPPOSED
MOTION FOR THE AWARD OF
ATTORNEY FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d); ORDER**

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21 **(Doc. 19)**

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23 IT IS HEREBY STIPULATED by and between the parties through their undersigned
counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
EAJA in the amount of \$1,574.17. This amount represents compensation for all legal services
rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in
accordance with 28 U.S.C. § 2412.

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25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's

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28 **STIPULATION AND ORDER FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset. Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: May 12, 2023

/s/ Shellie Lott

SHELLIE LOTT
Attorney for Plaintiff

PHILLIP A. TALBERT
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX

Date: May 12, 2023

/s/Geralyn Gulseth

(As authorized via email on 5/9/23)

ELIZABETH K. LANDGRAF
Special Assistant United States Attorney

ORDER

Pursuant to the foregoing stipulation and unopposed motion of the parties (Doc. 19), IT IS HEREBY ORDERED that attorney's fees under the EAJA, in the amount of \$1,574.17, are awarded to Plaintiff, subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: May 12, 2023

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE